

F. Christopher Austin (NSB# 6559)
caustin@weidemiller.com
WEIDE & MILLER, LTD.
10655 Park Run Drive, Suite 100
Las Vegas, NV 89144
Telephone: (702) 382-4804
Fax: (702) 382-4805

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

V SHRED, LLC.

Case No.: 2:21-cv-01344-JCM-VCF

Plaintiff.

GRAVITY TRANSFORMATION LLC, a Texas company, and GEORGE PERELSHTEYN, an individual,

**STIPULATION AND ORDER TO EXTEND
THE DEADLINES RELATED TO EXPERT
DISCLOSURES**

[THIRD REQUEST]

Defendants.

Plaintiff V SHRED, LLC (“Plaintiff”) and Defendants GRAVITY TRANSFORMATION LLC and GEORGE PERELSHTEYN (collectively “Defendants” and together with Plaintiff, “Parties”), by and through their attorneys, and pursuant to LR IA 6-1 and LR II 26-3, submit the following Stipulation to Extend the Deadlines Related to Expert Disclosures by sixty (60) days, and specifically to extend the deadline for expert disclosures from October 31, 2022 to and including December 30, 2022, and to concomitantly extend all subsequent discovery and pretrial deadlines. This is the third request to extend time to complete discovery, as requests to extend discovery were granted by the Court on August 18, 2021 and July 15, 2022. In support of this Stipulation, the Parties state the following.

1. Statement Regarding Status of Discovery Completed.

Pursuant to the Order of the Court granting the Parties' Stipulation to Extend Discovery Deadlines, dated July 18, 2022, the Parties bifurcated factual and expert discovery in this matter.

1 Doc # 26. Over 14 thousand records were produced during fact discovery and Defendant's two
 2 principals were deposed.

3 Upon the expiration of the deadline for factual discovery (September 30, 2022) and in part
 4 as a result of the factual discovery identified and produced thereby, the Parties recommenced an
 5 exploration of potential settlement. However, to assess and pursue settlement, the Parties need to
 6 further examine the discovery produced and that is the subject of Plaintiff's requests for
 7 clarification and production, particularly discovery regarding the financial records of Defendant
 8 Gravity. Both Parties believe settlement largely hinges on resolving disputes regarding such
 9 financial records and have discussed involving third-party expertise to assist in that regard if
 10 necessary.

11 **2. Statement of Discovery to be Completed.**

12 Despite the Parties desire to engage in good faith settlement discussions as discussed
 13 above, their ability to engage in such an effort to understand and assess the discovery in this matter
 14 in furtherance of exploring settlement is hampered, if not outright precluded, by the looming
 15 October 31, 2022, expert disclosure deadline. This case involves not only complex
 16 copyrightability issues for which the Parties have engaged experts but will also require expert
 17 reports on, among other subjects, weight and fitness training and forensic accounting. To that end
 18 the Parties have identified and retained experts in such areas. However, because the subject matter
 19 and scope of the expert reports sought in this matter are significant, extensive, and necessarily
 20 rely on discovery that the Parties have not fully vetted, and which are the subject of further
 21 clarification and supplementation, even if the Parties were not seeking to engage in settlement
 22 discussions, there would not be enough time for such experts to assess such discovery to prepare
 23 the required reports by the present deadline without prejudice to one or both of the Parties.

24 **3. Reason for the Requested Extension.**

25 As set forth herein, there is "good cause," pursuant to LR II 26-3, for the present request.
 26 "'Good cause' is a non-rigorous standard that has been construed broadly across procedural and
 27
 28

1 statutory contexts.”¹ It generally involves a case-by-case assessment of whether there is some
 2 good reason for the delay or requested extension in the absence of bad faith and prejudice to the
 3 non-moving party.²

4 Such is the case here. The Parties desire the requested extension to resolve complex
 5 outstanding discovery issues to pursue settlement in good faith and thereby avoid the costs and
 6 expenses of a complex copyright infringement and revocation action, if possible, which they
 7 otherwise could not do given the approaching expert disclosure deadline. Further, as attested to
 8 by the signature of the undersigned counsel for Defendant, settlement discussions and discovery
 9 issues related to the same were delayed by the necessity of Defense counsel to take multi-day trips
 10 out of state the last weeks of September and the first week of October to attend to his family in
 11 connection with the decline, passing, and funeral services (which he oversaw) of his mother.³
 12 Neither party will be unduly prejudiced by the requested extension which is not intended to cause
 13 any undue delay in this proceeding.

14 **4. Proposed Schedule for Remaining Discovery.** Based on the foregoing, the
 15 Parties hereby stipulate to extend the discovery and related deadlines in this matter as follows:

- 16 a. The expert disclosure deadline shall be Friday, December 30, 2022;
- 17 b. The rebuttal expert disclosure deadline shall be Monday, January 30, 2023,
 18 thirty-one (31) days after the deadline to disclose initial experts, in accordance with LR 26-
 19 1(b)(3), as the 30th day falls on a Sunday;
- 20 c. The Parties shall have until Wednesday, March 1, 2023, to take the
 21 depositions of the experts, thirty (30) days after the deadline to disclose rebuttal experts;
- 22 d. The dispositive motion deadline shall be Friday, March 31, 2023, thirty
 23 (30) days after the deadline to take depositions of the experts; and

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 26 ¹ *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (discussing “good cause” in the context of
 Fed. R. Civ. P. 6(b)(1)).

27 ² *Id.* at 1109-1110.

28 ³

1 e. The Pretrial Order deadline shall be Monday, May 1, 2023, thirty-one (31)
2 days after the dispositive motion deadline, in accordance with LR 26-1(b)(5), as the 30th day falls
3 on a Sunday.

4 Dated October 17, 2022.

5 MCDONALD CARANO LLP

WEIDE & MILLER, LTD.

6 /s/ Rory T. Kay

7 Rory T. Kay (NSB 12416)
8 Tara U. Teegearden (NSB 15344)
9 2300 West Sahara Avenue, Suite 1200
10 Las Vegas, Nevada 89102
11 rkay@mcdonaldcarano.com
12 ttegarden@mcdonaldcarano.com

/s/ F. Christopher Austin

Christopher Austin (NSB 6559)
Jing Zhao (NSB 11487)
10655 Park Run Drive, Suite 100
Las Vegas, NV 89144
caustin@weidemiller.com
jzhao@weidemiller.com

13 IPLA, LLP

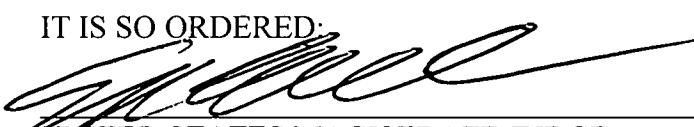
Attorneys for Defendants

14 /s/ Benjamin S. White

15 Benjamin S. White
16 *Pro Hac Vice Application Granted*
17 4445 Eastgate Mall, Suite 200
18 San Diego, CA 92121
19 **bwhite@ipa.com**

20 *Attorneys for Plaintiff*

21 IT IS SO ORDERED:



22 UNITED STATES MAGISTRATE JUDGE

23 DATED: 10/21/2022